



February 13, 2009

HOUSE BILL No. 1085

DIGEST OF HB 1085 (Updated January 29, 2009 1:28 pm - DI 75)

Citations Affected: IC 32-21.

Synopsis: Display of political signs. Prohibits a homeowners association from adopting or enforcing certain restrictive covenants or homeowners association rules concerning the display of political signs.

Effective: July 1, 2009.

Fry, Saunders

January 7, 2009, read first time and referred to Committee on Local Government.
February 12, 2009, amended, reported — Do Pass.

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HB 1085—LS 6221/DI 103+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1085

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-21-13 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]:

4 **Chapter 13. Display of Political Signs on Property Subject to**
5 **Restrictive Covenants or Homeowners Association Rules**

6 **Sec. 1. The definitions in IC 3-5-2 apply to this chapter.**

7 **Sec. 2. As used in this chapter, "rules" refers to any of the**
8 **following:**

9 (1) A restrictive covenant.

10 (2) A homeowners association rule.

11 **Sec. 3. As used in this chapter, "sign" refers only to a sign**
12 **advocating:**

13 (1) the election or defeat of one (1) or more candidates for:

14 (A) nomination; or

15 (B) election;

16 to a public office;

17 (2) support for or opposition to:

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- 1 (A) a political party; or
- 2 (B) a political party's candidates; or
- 3 (3) the approval or disapproval of a public question.

4 Sec. 4. Except as provided in section 5 of this chapter, a
 5 homeowners association may not adopt or enforce a rule that
 6 prohibits a member of the homeowners association from displaying
 7 a sign on the member's property during the period:

- 8 (1) beginning thirty (30) days before; and
- 9 (2) ending five (5) days after;

10 the date of the election to which the sign relates.

11 Sec. 5. A homeowners association may adopt and enforce rules
 12 relating to a sign described in section 3 of this chapter that do any
 13 of the following:

14 (1) Restrict the size of a sign if the rule permits a homeowner
 15 to display a sign that is at least as large as signs commonly
 16 displayed during election campaigns.

17 (2) Restrict the number of signs that may be displayed if the
 18 rule permits a homeowner to display a reasonable number of
 19 signs.

20 (3) Restrict the locations where a sign may be displayed.
 21 However, a restriction under this subdivision may not
 22 prohibit the display of a sign:

- 23 (A) in a window on the homeowner's property; or
- 24 (B) on the ground that is part of the homeowner's
 25 property.

26 Sec. 6. A homeowners association may remove a sign that
 27 violates the rules permitted by this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1085, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 4 through 17, begin a new paragraph and insert:

"Chapter 13. Display of Political Signs on Property Subject to Restrictive Covenants or Homeowners Association Rules

Sec. 1. The definitions in IC 3-5-2 apply to this chapter.

Sec. 2. As used in this chapter, "rules" refers to any of the following:

- (1) A restrictive covenant.**
- (2) A homeowners association rule.**

Sec. 3. As used in this chapter, "sign" refers only to a sign advocating:

- (1) the election or defeat of one (1) or more candidates for:**
 - (A) nomination; or**
 - (B) election;****to a public office;**
- (2) support for or opposition to:**
 - (A) a political party; or**
 - (B) a political party's candidates; or**
- (3) the approval or disapproval of a public question.**

Sec. 4. Except as provided in section 5 of this chapter, a homeowners association may not adopt or enforce a rule that prohibits a member of the homeowners association from displaying a sign on the member's property during the period:

- (1) beginning thirty (30) days before; and**
- (2) ending five (5) days after;**

the date of the election to which the sign relates.

Sec. 5. A homeowners association may adopt and enforce rules relating to a sign described in section 3 of this chapter that do any of the following:

- (1) Restrict the size of a sign if the rule permits a homeowner to display a sign that is at least as large as signs commonly displayed during election campaigns.**
- (2) Restrict the number of signs that may be displayed if the rule permits a homeowner to display a reasonable number of signs.**
- (3) Restrict the locations where a sign may be displayed. However, a restriction under this subdivision may not prohibit the display of a sign:**

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(A) in a window on the homeowner's property; or
(B) on the ground that is part of the homeowner's property.

Sec. 6. A homeowners association may remove a sign that violates the rules permitted by this chapter."

Delete page 2.

and when so amended that said bill do pass.

(Reference is to HB 1085 as introduced.)

SMITH V, Chair

Committee Vote: yeas 11, nays 1.

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